

103D CONGRESS
1ST SESSION

S. 1165

To provide for judicial review of Nuclear Regulatory Commission decisions on petitions for enforcement actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 22), 1993

Mr. LIEBERMAN (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for judicial review of Nuclear Regulatory Commission decisions on petitions for enforcement actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be referred to as the “Nuclear Enforce-
5 ment Accountability Act of 1993”.

6 **SEC. 2. ENFORCEMENT PETITIONS AND JUDICIAL REVIEW.**

7 Section 189 of the Atomic Energy Act of 1954 (42
8 U.S.C. 2239) is amended by adding at the end the follow-
9 ing new subsection:

1 “d. ENFORCEMENT PETITIONS.—

2 “(1) IN GENERAL.—Any person may petition
3 the Nuclear Regulatory Commission to institute a
4 proceeding to modify, suspend, or revoke a license,
5 or for such other action as may be proper.

6 “(2) STANDARDS FOR GRANTING.—The Com-
7 mission shall grant any request under paragraph (1)
8 if the petitioner demonstrates material evidence rea-
9 sonably indicating that—

10 “(i) the holder of the license with respect
11 to which a request has been made under para-
12 graph (1) is in significant noncompliance with
13 the terms of the license, this chapter, or the
14 Commission’s regulations, or

15 “(ii) the activities of the license present a
16 substantial hazard to the public health and
17 safety or common defense and security.

18 “(3) JUDICIAL REVIEW.—Any Commission
19 order denying a request under this subsection shall
20 be subject to judicial review in accordance with
21 chapter 158 of title 28, United States Code, and
22 chapter 7 of title 5, United States Code.”.

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